

HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 616(M/S) of 2006
With
Stay Application No. 6249/06

Uttaranchal Power Corporation Limited,
Electricity Distribution Circle,
Srinagar Garhwal through its Deputy
General Manager. Petitioner

Vs

1. Additional Labour Commissioner, Uttaranchal,
298 Himgiri Vihar Ajabpur Khurd, Dehradun.
2. Shiv Singh Rawat S/o Sri Bhim Singh Rawat,
Through M.S. Bhandari Ajabpur Khurd,
Dehradun. Respondents.

Sri N.S. Negi learned counsel for the petitioner.
Sri Nand Prasad learned Standing counsel for the State.

Dated: -23-5-2006

Hon'ble B.S. Verma, J.

Heard Sri N.S. Negi learned counsel for the petitioner and Sri Nand Prasad learned Standing Counsel for the State.

The petitioner has filed the present petition to issue a order or direction to the respondent No.1 not to initiate the execution proceeding against the petitioner in compliance of the Adjudication Case No. 197 of 1990 dated 29-7-1995 Shiv Singh Rawat Vs. General Manager Distribution Uttaranchal Power Corporation Ltd. Dehradun.

Learned counsel for the petitioner has submitted that he has also filed an objection in execution proceeding.

Learned Standing Counsel Sri Nand Prasad has submitted that the petitioner had filed a writ petition against the award order dated 29-7-1995 passed by the Additional Labour Commissioner- respondent No.1 and the writ petition has already been dismissed on 1-9-2004. If the petitioner was aggrieved by the order of this Hon'ble Court dated 1.9.2004, the petitioner was at liberty to file Special Leave Petition

before the Hon'ble Apex Court. There is no averment to this effect that the petitioner filed an SLP before the Hon'ble Apex Court.

During the course of argument learned counsel for the petitioner has submitted that there is a calculation mistake in working out the gratuity and increment and he has also filed the objection against the authority.

Learned counsel for the petitioner is directed to decide the objection that is pending before the authority. The prayer is innocuous.

However, the objection if, any, be filed by the petitioner that shall be decided within a period of one month from the production of the certified copy of the order.

With the said observation, the writ petition is disposed of finally.

(B.S. Verma,J)

Dated: 23-5-2006

M.K.